United Nations A/C.3/52/SR.30

General Assembly
Fifty-second session

Official Records

Distr.: General
22 May 1998
English
Original: Spanish

Third Committee

Summary record of the 30th meeting
Held at Headquarters, New York, on Friday, 7 November 1997, at 3 p.m.

Chairman: Mr. Busacca ..... (Italy)

Contents

Agenda item 105: Advancement of women (*continued*)

Agenda item 106: Implementation of the outcome of the Fourth World Conference on Women (*continued*)

Agenda item 112: Human rights questions

(a) Implementation of human rights instruments

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

97-82643 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 105: Advancement of women (*continued*)

Agenda item 106: Implementation of the outcome of the Fourth World Conference on Women (*continued*) (A/C.3/52/L.16/Rev.1)

Draft resolution A/C.3/52/L.16/Rev.1

1. **The Chairman** drew the Committee's attention to draft resolution A/C.3/52/L.16/Rev.1, entitled "United Nations Development Fund for Women", and said that the draft resolution had no programme budget implications.

2. **Ms. Eckey** (Norway) said that Austria, Finland, Italy, Malaysia and Sweden had joined the list of sponsors and that, in paragraph 11, a comma had been inadvertently omitted after the word "mandate" in the English language version of the draft resolution.

3. *The draft resolution was adopted without a vote.*

Agenda item 112: Human rights questions

(a) Implementation of human rights instruments (A/52/40, 44, 182, 359, 387, 445, 446, 507 and 511)

4. **Ms. Quisumbing** (Director of the New York Office of the United Nations High Commissioner for Human Rights) said that efforts were being made to enhance the effectiveness of the human rights treaty bodies, particularly through the development of a more focused system of State reporting and better follow-up of the recommendations which the treaty bodies addressed to reporting States.

5. Since the entry into force of the various international human rights instruments, 137 States had become parties to the International Covenant on Economic, Social and Cultural Rights; 140, to the International Covenant on Civil and Political Rights; 93 and 31, respectively, to the first and second Optional Protocols to the latter Covenant; 104, to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and only nine, to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which would not enter into force until 11 more States had become parties to it. Thus, universal ratification of those instruments had not yet been achieved, although the ratification by 191 States of the Convention on the Rights of the Child had approached that goal. Therefore, in line with the 1993 Vienna Declaration and Programme of Action, a meeting for the Asia-Pacific region had been held in September in Amman to discuss the provisions of the various treaties and to suggest ways of overcoming obstacles to their ratification.

6. During the period under review, the Human Rights Committee, in addition to examining 13 initial reports submitted by States parties to the International Covenant on Civil and Political Rights, had considered a special report on Hong Kong submitted by the United Kingdom of Great Britain and Northern Ireland. In view of the large number of States which had not submitted their reports on time, the Committee had adopted a special decision in which it had requested nine States whose reports had been overdue for more than three years to submit them as soon as possible for consideration at one of the Committee's forthcoming sessions. At its sixty-first session, the Committee had adopted a General Comment in which it had stated that the rights enshrined in the Covenant belonged to the people living in the territory of each State party and that the Covenant did not have the temporary character typical of treaties in respect of which a right of denunciation was admitted. Under international law, a State which had ratified or acceded to the Covenant was not permitted to denounce it. At its fifty-eighth, fifty-ninth and sixtieth sessions, the Committee had considered a total of 63 cases under the Optional Protocol to the Covenant; adopted 24 Views under article 5, paragraph 4, of the Optional Protocol; declared 17 communications inadmissible; and declared 21 communications admissible. Recent revisions of the Committee's rules of procedure should enable it to expedite its consideration of communications submitted under the Optional Protocol. In that connection, the Committee's Special Rapporteur for the Follow-up on Views had held consultations with 10 Governments to urge them to implement the Committee's Views.

7. In December 1996, after seven years' work, the Committee on Economic, Social and Cultural Rights had completed a draft optional protocol providing for the right of individuals or groups to submit communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights. Adoption of that instrument would enhance the practical implementation of the Covenant and would help to draw public attention to the rights enshrined therein. Currently, the views of Governments, agencies and non-governmental organizations were being compiled for submission to the Commission on Human Rights in 1998. With respect to the Committee's main function of monitoring the implementation by States of the Covenant's provisions, it had carried out a technical assistance mission at the invitation of the Government of the Dominican Republic. The mission had highlighted once more the importance of *in situ* visits by Committee experts

for the promotion and effective protection of economic, social and cultural rights.

8. As for the Committee against Torture, during its seventeenth and eighteenth sessions held in Geneva in November 1996 and April and May 1997, respectively, it had considered reports submitted by 13 States parties and had continued its work relating to confidential inquiries under article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It had also considered 39 individual communications submitted under article 22 of the Convention and had adopted views in respect of six communications. The Committee's activities had increased considerably in recent years. In 1997, the Committee had addressed a letter to the Secretary-General requesting an extension of its spring sessions by one week starting in 1998. A proposal regarding funds for such an extension had been submitted by the Secretary-General for consideration by the General Assembly at the current session. The sixth meeting of the States parties to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment would be convened by the Secretary-General to elect five members of the Committee against Torture to replace those whose terms were to expire at the end of the year. The Secretary-General's annual report on the United Nations Voluntary Fund for Victims of Torture was contained in document A/52/387. While the financial situation of the Fund in 1997 had improved thanks to the increase in voluntary contributions by Governments, requests for funding totalling $6.8 million had far exceeded the $3 million available for disbursement. All available resources had been allocated and $2.5 million had already been spent. Owing to the constantly increasing number of requests, more voluntary contributions were needed. Therefore, those Governments in a position to do so should respond favourably to the appeal made in General Assembly resolution 51/86 and contribute, prior to each annual session of the Board of Trustees in May, in order to prevent the interruption of programmes.

9. Concerning the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, she said that Mr. Philip Alston, the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system, had submitted his final report to the Commission on Human Rights at its most recent session, in March. In accordance with resolution 1997/105 of the Commission, comments from United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations and interested persons, were being compiled for a report to be submitted to the Commission at its next session. The persons chairing the human rights treaty bodies had held extensive discussions on the report, which had indicated that the two main obstacles to the effective implementation of treaties were the increasing backlog in State reports pending examination and the increasing number of overdue reports; a number of proposals for reform had been offered. The chairpersons had recognized the potential advantages of encouraging State reports to focus on a limited range of issues and had requested their committees to examine the feasibility of adopting such an approach, taking into account the particular needs of each treaty. In order to explore those and other matters, the chairpersons had requested an exceptional meeting of three days' duration. The purpose of the meeting was, *inter alia*, to prepare recommendations to the next session of the Commission on Human Rights and to ensure that the momentum of the reform process, as it affected the work of the treaty bodies, was maintained.

10. **Ms. Schosseler** (Luxembourg), speaking on behalf of the European Union and the associated countries of Central and Eastern Europe, and, in addition, Cyprus and Iceland, said that the Universal Declaration of Human Rights had strengthened the position of the individual as a subject of international law and was used by the international community as the cornerstone of several legal instruments. The violation of individual rights was, therefore, a legitimate concern and responsibility of the international community as a whole. Moreover, human rights was a common thread linking all United Nations activities and policies. The European Union attached particular importance to human rights education, in recognition of the universality of such rights and their contribution to respect for human dignity, the fight against intolerance and the liberation of creative energies. Human rights instruments helped to promote democracy and the rule of law and should be recognized and implemented throughout the world. In that regard, the European Union welcomed the accession to those instruments of an increasing number of States and requested other States to become parties to them and to their optional protocols in order to achieve the goal of universal accession stated in the Vienna Declaration and Programme of Action.

11. The European Union was concerned about the increasing number of States that made reservations to international human rights instruments, since some of those reservations were incompatible with the purposes and principles of those instruments and with international law. Those States should therefore withdraw their reservations, and States parties should periodically review their reservations in order to withdraw them whenever possible.

In order to overcome all those obstacles, dialogue with the Secretary-General and the United Nations High Commissioner for Human Rights was particularly important.

12. The European Union attached great importance to the functioning of the treaty-monitoring bodies and was prepared to help to improve their work. It welcomed the increased cooperation among the various bodies, especially through the annual meeting of their chairpersons and through the provision of increased services to them by the Secretariat. Collaboration between the secretariats of those bodies, the High Commissioner and the Division for the Advancement of Women could also help to enhance their functioning. Furthermore, the increase in the number of ratifications and of individual complaints lodged under treaties, with the concomitant increase in the volume of work of those bodies, required a commensurate increase in their financial and human resources. The European Union therefore requested the Secretary-General, the High Commissioner and Member States to take concrete steps to allocate sufficient resources for those purposes.

13. United Nations programmes and bodies should take the recommendations of the treaty-monitoring bodies more fully into account in their work in the various countries. The reports prepared by countries usually highlighted basic areas in which they needed assistance. The European Union was concerned about the fact that some countries were trying to undermine the work of those bodies by challenging their legitimacy. The tendency by some countries to give priority to their domestic legislation over international law was also a source of concern, since national legislation should not be invoked under any circumstances to justify violations of human rights. Therefore, the European Union urged all States to bring their legislation in line with their international obligations in that field and to ensure compliance with those obligations. Historical, cultural and religious characteristics, whether national or regional, could not be invoked to undermine the universal nature of human rights instruments.

14. Governments had the main responsibility for promoting and protecting the inherent human rights and fundamental freedoms of all persons. They should therefore fully discharge their obligations under the instruments to which they were parties and submit periodic reports to the relevant bodies on the implementation of those instruments. States which were late in submitting their reports should make better use of the advisory and technical assistance services of the Office of the High Commissioner. The functions of United Nations treaty monitoring bodies should also be strengthened to enable them to identify the weaknesses and strengths of the different countries. To that end, cooperation between the various bodies must be improved and steps taken to ensure the implementation of their recommendations and conclusions.

15. Various working groups of the Commission on Human Rights and of the Commission on the Status of Women were endeavouring to strengthen existing norms and to ensure better protection for the most needy persons or groups of persons. In that connection, the European Union supported current initiatives for the elaboration of additional protocols to the various treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The European Union also attached great importance to norms for strengthening the protection of persons and groups of persons who defended human rights and fundamental freedoms and urged the working groups referred to above to try to complete their work as early as possible.

16. The European Union welcomed the attempts of the treaty monitoring bodies to more effectively address the problem of discrimination and violence against women and, in particular, their initiative to encourage States to include gender disaggregated data in their reports. It also urged those bodies, as well as all other competent human rights mechanisms to obtain information on and conduct evaluations of the situation of women and children, within the framework of their respective mandates, with an eye to the debates that were due to take place on that item the following year in the Commission on the Status of Women.

17. **Mr. Wissa** (Egypt) said that, since human rights were an indivisible whole, it was necessary to strengthen political, civil, social, economic and cultural rights, including the right to development. To that end, Egypt had acceded to the international human rights instruments and had endeavoured to bring its domestic legislation into line with the spirit and letter of those instruments, while at the same time respecting the country's culture and religion. It was necessary to ensure that countries did not politicize human rights, in other words, use them as a means to oppress other countries or as an excuse to interfere in the internal affairs of other States, or to pursue political aims or economic or commercial designs. It was also necessary to avoid double standards in the field of human rights, since in recent years such policies had taken on tragic dimensions. Moreover, given the diversity and plurality of cultures throughout the world, it was necessary to avoid any attempt to impose one culture on another. The Government of Egypt called upon the international community to update the approach to and the legislation on human rights so that they would reflect the different cultures

and civilizations of the contemporary world and not those of a single cultural model.

18. **Mr. Ando** (Deputy Executive Director of the United Nations Population Fund (UNFPA)) said that UNFPA supported the initiatives taken by a large number of countries to modify their policies and legislation in order to promote the rights of women and urged the international community to intensify its efforts to promote those rights. One of the milestones of that process had been the International Conference on Population and Development. The process had gone forward thanks to the various initiatives undertaken, such as the organization of a round table of human rights treaty bodies jointly sponsored by UNFPA, the Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women, which had discussed women's right to health, including reproductive and sexual health. In January 1997, experts from UNFPA and the Committee on the Elimination of Discrimination against Women had discussed different areas of collaboration to promote the rights of women to reproductive and sexual health and an inter-agency working group had been established to consider issues related to women and human rights. A symposium was also being planned to introduce the reproductive and sexual health rights of women into the monitoring mechanisms of the human rights treaty bodies. Other important initiatives were the proposal to elaborate an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which would increase accountability and enable members of civil society to report human rights violations. Work was also continuing on the development of indicators for monitoring progress towards achievement of the goals of recent international conferences on that theme.

19. Finally, numerous national and international initiatives had been taken to eliminate harmful traditional practices, such as female genital mutilation, a topic that had already been discussed at the World Conference on Human Rights, the International Conference on Population and Development and the Fourth World Conference on Women, which had urged Governments to eliminate such practices. In response to those initiatives, UNFPA had developed a framework for integrating activities aimed at eradicating the practice of female genital mutilation into its reproductive health, population and development programmes. Through that framework, which had been developed as part of a joint initiative of the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF), UNFPA would evaluate and review national policies, laws and regulations in the field of reproductive health, provide support for the public education programmes of Governments and non-governmental organizations and support training and data collection efforts in that area. Since issues of social justice, human rights and gender equity were increasingly recognized as core elements of human and national development, UNFPA hoped that the consensus achieved at the recent world conferences would help to shape the daily lives of women and men throughout the world.

20. **Mr. Boisson** (Monaco) said that his country's Constitution and laws guaranteed the civil, political, economic, social and cultural rights set out in the international human rights covenants, which his Government had ratified. Monaco supported the work being done to implement the provisions of the international human rights instruments, even though the needed human and financial resources were often lacking. Delays in the submission and consideration of the reports mandated under those instruments made it difficult to implement them. Consequently, his Government believed the treaty bodies should be made more effective. The reform of UNHCR would make for better coordination with those committees and help modernize their methods of work. The national institutions for the promotion and protection of human rights must themselves help to achieve that goal.

21. Monaco was a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it recognized the competence of the Committee Against Torture to receive and consider State party communications and was a regular contributor to the United Nations Voluntary Fund for Victims of Torture. In answer to the General Assembly's appeal in resolution 51/86, Monaco would continue making regular contributions to the Fund, so important because of the assistance it brought to the victims of one of the most serious attacks upon human integrity, which caused sometimes irreversible physical and psychological damage. The role played by non-governmental organizations was also significant in the struggle against torture and its aftermath. Accordingly, Monaco supported the proposal by the Commission on Human Rights to observe a day dedicated to the victims of torture in order to arouse public awareness, especially among young people and teachers but also among members of the armed forces and the police.

22. Bloody wars had erupted in the course of the century, human rights had been violated repeatedly and the people of many regions had endured deprivation and frightful sufferings. In order to keep such horrors from being repeated in the coming century, it was necessary for all countries to give the highest priority to the United Nations activities in favour of human rights and fundamental freedoms.

23. **Mr. Sun Ang** (China) said that the monitoring mechanisms and State reporting systems furthered the effective implementation of the international human rights instruments formulated by the United Nations. In recent years, however, there had been problems with those mechanisms, such as a backlog of reports by States parties, delays in their consideration and a considerable number of overdue reports. The problems had arisen in part because of the burden imposed on States in connection with the submission of reports on their implementation of the treaties. Their preparation required the mobilization of many governmental departments and social organizations, considerable human and financial resources and a great deal of time. Also, the lack of coordination among the various human rights treaty bodies made for an overlap in the contents of the reports and of the replies made by Governments to committee questions. Such problems would obviously not be solved simply by increasing the funding or the number of meetings of the various committees. Many valuable proposals worth considering had been put forward in that regard, such as reducing the number of reports, submitting integrated reports in fulfilment of the different treaty obligations, avoiding overlap, formulating guidelines for the treaty bodies and improving communication between them and the States parties. The process by which the States parties implemented the principles and provisions of the human rights instruments was the adoption of administrative and legal measures appropriate to the circumstances in their countries. The treaty bodies should take full account of the different levels of socio-economic development and the historical and cultural traditions of the States parties, establish a relationship of mutual respect, cooperation and dialogue with them, and act strictly in accordance with their mandates, upholding the principles of impartiality, objectivity and non-selectivity.

24. On 27 October 1997, China had signed the International Covenant on Economic, Social and Cultural Rights. It attached importance to cooperating with the human rights treaty bodies and had strictly fulfilled the various obligations arising from the instruments to which it had acceded, including the report it had recently submitted to the Secretary-General on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The information provided by his Government had always been objective and systematic and had demonstrated to the international community the progress China had made in the protection of human rights.

25. **Mr. Mousky** (International Organization for Migration) (IOM) said that population movements around the world were increasing in scope as the reasons for migration expanded and changed. There was a growing awareness of the hardships and discrimination faced by migrants. However, increasing xenophobia triggered by recession and unemployment had exacerbated the hostility against them and added to their difficulties. IOM recognized its responsibility to act with all its partners to promote a respect for the human dignity and well-being of the migrants. The existence of international instruments was not of itself sufficient to ensure such respect, and therefore both sending and receiving States must adopt laws for the protection of migrants or strengthen existing laws.

26. In achieving those objectives, IOM continued to organize information campaigns in various countries of origin, which provided credible, up-to-date material on the risks of irregular migration. In addition, IOM prepared handbooks for migrants, such as the one on the rights and responsibilities of migrant workers, designed for teachers, trainers and service providers like non-governmental organizations in the field. IOM was also continuing to carry out technical cooperation projects with Governments and to provide advice on national legislation. Since 1996, for instance, IOM had actively participated in the regional coordination mechanism known as the Puebla process, comprising the countries of Central America, Mexico, the United States of America and Canada. The comprehensive plan of action adopted at their recent conference held in Panama emphasized review of the migration policies of the participating countries, action to combat trafficking in migrants, and promotion of the rights of all migrants, irrespective of their legal status.

27. The member States of IOM had supported the more active role the organization had been taking in raising awareness of rights, promoting dialogue and information-sharing and acting as an intermediary between States. However, the success of the IOM initiatives depended on close and effective cooperation with States, with governmental agencies, with other intergovernmental organizations and international and local non-governmental organizations. IOM was committed to working with all concerned parties, including the migrants themselves, to further a respect for their rights, dignity and well-being.

The meeting rose at 4.30 p.m.